

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
and)
SIERRA CLUB,) No. 4:11 CV 77 RWS
Plaintiff-Intervenor,)
vs.)
AMEREN MISSOURI,)
Defendant.)

PRETRIAL ORDER

In accordance with the joint proposed pretrial order, [No. 1036],

IT IS HEREBY ORDERED that the following pretrial schedule shall apply

in this case:

I. ORDER RELATING TO TRIAL

A pretrial conference and hearing on any motions *in limine* will be held on **April 4, 2019 at 10:00 am.**

This action is set for a **NON-JURY** trial on **April 8, 2019**, at **9:00 AM**. This is a **three-week** docket.

Pursuant to Local Rule 8.04 the court may tax against one or all parties the per diem, mileage, and other expenses of providing a jury for the parties, when the case is terminated or settled by the parties at a time too late to cancel the jury

attendance or to use the summoned jurors in another trial, unless good cause for the delayed termination or settlement is shown.

The attorneys shall, no later than March 8, 2019:

1. Witnesses:

(a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

2. Exhibits:

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed. R. Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed. R. Evid. 902(11) or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order.

4. Depositions, Interrogatory Answers, and Request for Admissions:

(a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified

by page and line numbers), and answers to requests for admissions proposed to be offered in evidence.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

All above submissions shall be filed with the Court via the CM/ECF filing system, except for the copies of potential trial exhibits, which the parties shall exchange but which shall not be filed with the Court.

The attorneys shall, no later than March 27, 2019:

5. **Stipulation:** Meet and jointly prepare and file with the Clerk a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on Voir Dire).

6. **Objections:** Submit to the court and to opposing counsel any (a) objections to opposing parties' witness list(s) and exhibit list(s), and (b) any objections to and counter-designations of the opposing parties' designated deposition testimony, admissions, and interrogatory responses

8. **Trial Brief:** Submit to the Court and opposing counsel a trial brief stating the legal and factual issues and authorities relied on and discussing any anticipated substantive or procedural problems.

9. **Motions In Limine:** File all motions in limine to exclude evidence.

The attorneys shall, no later than April 2, 2019:

10. **Objections to Motions In Limine:** File all briefs in opposition to parties' motions in limine to exclude evidence.

The attorneys shall, no later than April 7, 2019:

11. **Demonstratives:** Exchange demonstratives for Trial Day 1. During trial, the parties shall exchange demonstratives by 7:00 pm on the day before such demonstratives will be presented at trial.

Failure to comply with any part of this order may result in the imposition of sanctions.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 26th day of February, 2019.